

REMARKS

Claims 1 – 24 have been examined. Claims 1 – 12 stand rejected under 35 U.S.C. §101 as directed to nonstatutory subject matter and Claims 1 – 24 stand rejected under 35 U.S.C. §103(a) as unpatentable over Pub. No. US 2001/0037290 (“Lai”) in view of Pub. No. US 2002/0116241 (“Sandhu”).

Claims 1 – 3, 7, 9 – 13, 18, and 23 have been amended. Amended claims 1 – 12 recite method steps that are specifically required to be carried out by a provider computer (*see, e.g.*, Application, Figs. 1A – 1C and related discussion in ¶¶ 17 – 20). It is accordingly believed that amended Claims 1 – 12 are directed to statutory subject matter.

Independent Claims 1, 13, and 23 have been amended to recite recording collection of the cost from the customer at one of the plurality of provider offices (*see, e.g.*, Application, p. 5, ll. 15 – 19). This limitation is neither taught nor suggested in the prior art of record, and permits significant advantages over that prior art. For example, the Application notes that a significant weakness with certain types of retail transactions is the need to provide financial information, which some consumers are unwilling to do and which some businesses are ill equipped to accept (*id.*, p. 1, l. 30 – p. 2, l. 13). The application explains at some length how this weakness can be avoided by using a provider having a plurality of provider offices and having collection of the cost be performed at one of those offices (*see id.*, p. 8, ll. 18 – 21). The availability of a plurality of provider offices at which the cost may be collected from the customer permits customers to engage in transactions without disclosure of their financial information if they wish (*see id.*, p. 5, 15 – 19) and permits participation even by merchants who have no internet presence and do not accept credit-card transactions (*see id.*, p. 6, ll. 14 – 17).

These advantages are unavailable with the system described in Lai. While Lai recognizes that some customers may prefer not to provide financial information when purchasing goods over the Internet, it is unable to avoid having such information be disclosed (Lai, ¶36). All Lai does is to use an intermediary to whom the customer must

disclose account information (*id.*, ¶36). While this has the modest effect of keeping the information from the merchant in a transaction, it fails to address the fundamental concern of some customers who do not wish to disclose that information at all.

These advantages result from the recited limitation that the cost be collected from the customer at one of the plurality of provider offices. The failure of Lai to disclose this limitation is not remedied by Sandhu. Sandhu discloses only that a plurality of distribution centers may be used to facilitate distribution of goods that have been purchased by customers (Sandhu, ¶16). Even assuming *arguendo* that there is a motivation to combine Lai with Sandhu, the combination would not read on the pending claims. In particular, the combination would, at best, result in a system that uses the intermediary of Lai to coordinate payment for a transaction at a centralized facility (and requiring that customers disclose financial account information) and uses the distribution centers of Sandhu to distribute the purchased goods. There is nothing in either reference that teaches collection of the cost from the customer at one of a plurality of provider offices.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Mark Thompson  
Application No.: 09/965,667  
Page 9

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

*Patrick M. Boucher*  
Patrick M. Boucher  
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
PMB:pmb  
DE 7098193 v1